

FITAPELLI & SCHAFFER, LLP

Brian S. Schaffer
Hunter G Benharris
28 Liberty Street, 30th Floor
New York, NY 10005
Telephone: (212) 300-0375

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

**SERGE RODRIGUE, on behalf of himself and all others
similarly situated,**

Plaintiff,

-against-

**LOWE'S HOME CENTERS, LLC and LOWE'S
COMPANIES, INC.,**

Defendants.

**Case No. 20 Civ. 01127
(RPK)(RLM)**

**DECLARATION OF BRIAN S. SCHAFFER IN SUPPORT OF PLAINTIFF'S
OPPOSITION TO DEFENDANTS' MOTION TO DISMISS PURSUANT TO RULE
12(b)(6)**

I, Brian S. Schaffer, affirm under the penalties of perjury as follows:

1. I am a partner of Fitapelli & Schaffer, LLP ("Counsel" or "F&S") in New York, New York, counsel of record for Plaintiff in this matter. F&S is a well-respected and nationally recognized employment litigation firm based in New York City that represents plaintiffs in a variety of employment matters, including individual and class action litigation involving wage and hour, discrimination, and harassment claims, as well as contract and severance negotiations.
2. I am one of the lawyers primarily responsible for prosecuting Plaintiff's claims.
3. I submit this Declaration to place before the Court certain documents relied upon by Plaintiff in his opposition to Defendants' motion for to dismiss pursuant to Rule 12(b)(6).

4. Attached hereto as **Exhibit A** are true and correct copies of excerpts from Defendants' pleadings in separate litigations.

5. Attached hereto as **Exhibit B** is a true and correct copy of non-party Lowe's Home Centers, Inc.'s filed authorization with the New York Secretary of State.

6. Attached hereto as **Exhibit C** is a true and correct copy of Defendant Lowe's Home Centers, LLC filed authorization with the New York Secretary of State.

Dated: New York, New York
August 31, 2020

By: /s/ Brian S. Schaffer
Brian S. Schaffer

FITAPELLI & SCHAFFER, LLP

Brian S. Schaffer
Hunter G Benharris
28 Liberty Street, 30th Floor
New York, NY 10005
Telephone: (212) 300-0375

*Attorneys for Plaintiff and
the Putative Class and Collective*